

APPROVED: Meeting No. 14-90

ATTEST: *Sharon A. Gran*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 12-90

March 26, 1990

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on March 26, 1990, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Viola D. Hovsepien

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. The anti-drug vigil held in Lincoln Park last Friday night was a success with over 50 participants.

2. The City continues to support the 1990 census activities which includes responding to citizen inquiries. Councilmember Robbins noted that a segment of the population had not received their census forms, and City staff responded immediately. The City will continue to monitor census activities and will provide assistance to residents wherever possible.

3. As a result of a tragedy in Virginia over the weekend, the City is reinforcing its policy regarding backup of refuse trucks. All trucks are equipped with backup alarms which begin to sound when the vehicle is put in reverse. Additionally, there is a policy that whenever a vehicle is backing up, one employee must stand behind

the truck.

4. There is a correction to Item 8F on the agenda regarding the right-of-way acquisition from Rockville Methodist Church. The deed reference should be October 12, 1900.

5. This is the final week before the implementation of the Refuse Super Service. Every home has received the brochure "Your Trash Can Is Going on a Diet" and a full-page ad will appear in this week's editions of the Rockville Gazette and Express newspapers.

Councilmember Hovsepien asked if the ads provide specific information regarding service changes. The City Manager responded that it does not have that level of detail which is too difficult to provide in a newspaper ad. However, such information is personalized in the letters being delivered to each home. Councilmember Hovsepien noted that her neighborhood had not yet received their information, and Mr. Romer responded that all households should receive their packets by the end of the week. Any questions can be directed to the special refuse line, 424-2224, which is now operational.

6. The City is looking forward to the activities on Rockville Science Day, and the Mayor and Council, at their meeting of April 16, 1990, will proclaim April 22, 1990 as Rockville Science Day.

Re: Presentation of Police  
Explorers to Mayor and Council.

One of the recommendations of students participating in last year's Student Government Days was a request that the Mayor and Council approve funding to reinstitute the Police Explorer Program in the City of Rockville. The program was initiated on July 1, 1989, and there are currently 21 Explorers representing seven area high schools. Sgt. Lee Potter, advisor for the Explorer Program, provided the Mayor and Council with an overview of the activities of the Explorers and indicated that they would be manning

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posts at Hometown Holidays and other City activities. The members present were introduced to the Mayor and Council.

Re: Proclamation declaring the week of April 6-15, 1990, as "Sister City Sports Exchange Week".

Proclamation No. 02-89

By a unanimous vote of the Mayor and Council, April 6-15, 1990, was declared "Sister City Sports Exchange Week" in Rockville. Mayor Duncan read the Proclamation, the full text of which can be found in Proclamation File No. 5 of the Mayor and Council. Brodie Mullican, manager/coordinator, and Leo Leitner, coach of the girls' basketball team which will be traveling to Pinneberg for the exchange, accepted the Proclamation.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Steve Grimes, 1511 Crawford Drive, requested that the Mayor and Council revise the law dealing with oversized vehicles. His one-ton truck has been ticketed as oversized because it has six wheels, and a permit for the truck is contingent upon his putting in a driveway of concrete or blacktop. He indicated that there are numerous gravel driveways in the City and questioned why he is required to have a concrete or blacktop driveway.

Mayor Duncan stated that the City would review this matter and requested an explanation regarding the gravel driveway issue. The City Manager noted that a report on existing requirements and alternatives would be provided. Councilmember Coyle asked that staff review the effect of the building line as well.

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2. Melvin Hall, 210 Elizabeth Avenue, referenced the Mossburg application to operate a transfer station on Southlawn Lane which is pending before the County Board of Appeals. He requested information as to the City's position in this matter, commenting that approval of this petition would result in an additional 500 trucks traveling on Gude Drive daily. Inasmuch as there are only two exits from Lincoln Park, Park Road by the Metro station and at Gude Drive, he feels that this situation would place an unfair burden on the residents of Lincoln Park.

Mr. Hall was advised by Mayor Duncan and the City Manager that the City is monitoring the situation and all comments received from Rockville residents are being passed on to the County Board of Appeals. Councilmember Hovsepian raised the question of whether the County has considered the impact on City roads to be used to transfer trash for recycling to this site. Mayor Duncan requested that the City obtain from the County a copy of the traffic study done in that area.

3. William Meyer, 804 Leverton Road, as Chairman of the Traffic and Transportation Commission, cautioned the Mayor and Council with respect to making an issue of traffic on Gude Drive in light of the fact that Gude Drive is being considered as the truck bypass route for West Montgomery Avenue.

There being no other citizens wishing to address the Mayor and Council, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Appointments

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Pamela B. Druhan was appointed to a two-year term on the Economic Development Council.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Aaron Dodek was appointed to a three-year term on the Landlord-Tenant Affairs Commission as a Landlord Representative.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed,

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David Melnick was appointed as a temporary alternate on the Board of Appeals for the hearing of Application No. A-410-90.

Re: Approval of Minutes

Upon motion of Councilmember Marrinan, duly seconded, with Mayor Duncan and Councilmember Robbins abstaining, the minutes of Meeting No. 10-90 (March 12, 1990) were approved, as amended.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 11-90 (March 19, 1990) were approved, as amended.

Re: Consent Agenda

Councilmember Marrinan requested that Item G be removed from the Consent Agenda and Mayor Duncan requested removal of Item F.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the following Consent Agenda items were approved:

- A. Approval of waiver for on-site Storm Water Management for the property at 14225 Glen Mill Road in the Watts Branch drainage area, and acceptance of a \$3,600 contribution for the off-site SWM fund.

The developer, Rockville Assembly of God, plans the construction of a two-story Fellowship Hall and classroom addition.

- B. Approval of waiver for on-site Storm Water Management for the property at 801 Rockville Pike in the Cabin John drainage area, and acceptance of a \$4,140 contribution for the off-site SWM fund.

The developer, Donald Coupard, et al., plans the construction of an auto body shop (Congressional Oldsmobile).

- C. Submission of financial reports summarizing the results of City

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operations for the period from July 1, 1989, through February 28, 1990.

These monthly reports reflect updated revenues and expenditures of the City as of February 28, 1990.

- D. Acceptance of two parcels of property from the State of Maryland as a part of the right-of-way of Tower Oaks Boulevard near I-270 and Ritchie Parkway.

The State owns two parcels of 47,175 and 35,980 square feet, each approximately 40 feet wide, and has agreed to make a gift of the land to the City and to furnish the appropriate deed.

- E. Adoption of revised travel policy.

This revision updates the City's travel policy and includes provisions applicable to all City employees as well as elected and appointed officials.

- H. Adoption of Resolution establishing a permit parking district on Hardwicke Place to include the frontages of all 21 homes on Hardwicke Place.

#### Resolution No. 07-90

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Resolution No. 07-90, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted creating a permit parking district on Hardwicke Place to replace the current 9:00 a.m. to noon school-day parking prohibition with the standard permit parking hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

- I. Adoption of Resolution establishing a permit parking district on James Spring Court to include the frontages of all 12 homes on James Spring Court and 1829 Greenplace Terrace as to its frontage on James Spring Court only.

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Resolution No. 08-90

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Resolution No. 08-90, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted creating a permit parking district on James Spring Court to replace the current 9:00 a.m. to noon school-day parking prohibition with the standard permit parking hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

- J. Adoption of Resolution establishing a permit parking district on Leyton Court to include the frontages of all 11 homes on Leyton Court and the side frontage of a home at 2306 Sherbrooke Way.

Resolution No. 09-90

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Resolution No. 09-90, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted creating a permit parking district on Leyton Court to replace the current 9:00 a.m. to noon school-day parking prohibition with the standard permit parking hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

- K. Approval of City Manager's Recommendations for special assessment projects which are at or near completion and for which there have been no special assessment levy nor bills issued.

Re: Approval of an "Offer of Agreement" with the Woodmont Country Club.

The staff has negotiated an agreement with Woodmont Country Club for the purchase of 20.2 acres of land needed for the extension of Ritchie Parkway. The purchase price is \$6.4 million.

Mayor Duncan noted his concern with this item (G) and item F is that the signature of the Mayor should appear on land exchange documents rather than the City Manager's. Councilmember Marrinan stated that he had asked to have this item (G) removed from the Consent Agenda because it represents a major acquisition by the City and he felt that the public should be provided additional information. The City Manager responded that this acquisition is for the right-of-way for a major construction project, the extension of Ritchie Parkway from Seven Locks Road in an easterly direction to Rockville Pike. This improvement to the City's road system will promote development of the Tower Oaks site. The right-of-way required for this road project passes through private property, much of which has been donated to the City by the developers of Tower Oaks. Approximately 70% of the road project is being funded by Montgomery County.

This agenda item deals with the acquisition from Woodmont Country Club. Although the 20.2 acres is more than required for the right-of-way, the residual land will be separated from the country club by Ritchie Parkway. The residual land has value to the City; however, it is premature at this time to project that value in view of the processes required, such as subdivision of land.

In response to Councilmember Coyle, Mr. Romer noted that the timetable for completion of the construction is 12-15 months once the bid is awarded which should be prior to June, 1990. He further noted that the project is on schedule insofar as the Marriott project at Tower Oaks is concerned.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Offer of Agreement with Woodmont Country Club was approved.

Re: Approval of "Offer of Agreement" contracts with four property owners for the acquisition of right-of-way for the West Montgomery Avenue improvement project.



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The acquisitions are as follows: Rockville Methodist Church, 834 square feet for \$6,900; Ruth Ann Hahn, 428 square feet for \$3,550; Harriett B. Duncan, 193 square feet for \$1,600; and Paul J. Ward, 444 square feet for \$3,700.

Councilmember Hovsepian requested that the offer of agreement for Rockville Methodist Church be withdrawn from this Consent Agenda Item (F) because the church property consists of more than one section of land previously deeded to the church and clarification regarding the deed reference in this offer of agreement should be provided prior to moving forward. Mayor Duncan indicated that the Rockville Methodist Church offer of agreement would be withdrawn; staff was requested to reexamine the deed references and bring this matter back for Mayor and Council approval at the meeting of April 2.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the offer of agreement contracts with Ruth Ann Hahn, Harriett B. Duncan and Paul J. Ward were approved.

Re: Discussion regarding current status of Town Center Banner Program.

The City Manager noted that the written report provides the answers to a number of questions regarding the Banner Program and Tags. Greg Baylor, Director of Recreation and Parks, provided an overview of the program indicating that there are 49 tag banners out of a total of 200 banners. There is a full season of tag banners encompassing 230 days per year and excluding only the Peace banners during the holiday season and the Celebrate Rockville banners for Hometown Holidays. A business may have as many as three tag banners; however, the sites are selected randomly. Mr. Baylor noted that there was a \$50 margin between the price of the banners and the fee charged, which funds were

turned over to the Chamber as seed money to promote the program. Excess funds in future years would be used to defray the maintenance costs of the entire program.

Councilmember Coyle asked what feedback staff had received regarding the banner program. Mr. Bayor indicated that there was both positive and negative feedback for the banner and tag banner program, with comments regarding the number of banners, choice of colors, design, sense of identity, commercialism.

Councilmember Robbins stated that the notion of banners is really catching on around the country and that he was one of the individuals who favored implementing the program in Rockville. He has heard a number of comments regarding the tag banners while riding the Ride-On bus, such as they detract from the harmony of downtown Rockville; they tend to look like mini-billboards; it appears that the City is endorsing or advertising for certain businesses. Councilmember Robbins feels that the banner program is a public policy and that the Mayor and Council should have a greater role in the decision-making.

Mayor Duncan noted that the City is committed for a year to the tag banner program and that an opportunity for public comment to the Mayor and Council on both the banners and tag banners should take place in the fall. Councilmember Hovsepien concurred with providing an opportunity for public comment, noting that displaying banners on a routine basis and outside of Town Center has a different impact than for celebration or announcement of an event. Councilmember Coyle remarked that he likes the program and has not heard any negative comments; Councilmember Marrinan concurred, noting that he has only received one or two negative comments regarding the tag banners but overall there has been a positive reaction.

In response to Mayor Duncan, the City Manager indicated that the current banners would be changed in a week. Mayor Duncan noted that the concerns expressed by some residents regarding the tag banner program had been allayed when they understood that it helps defray the cost of the banner program; however, this is not currently the case.

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Re: Discussion and Instructions  
to Staff - Map Amendment  
Application M-56-89, Mayor and  
Council of Rockville,  
Applicant.

The purpose of this Map Amendment is to place the Lincoln High School buildings and site on N. Stonestreet Avenue, Lincoln Avenue and Howard Avenue in an Historic District under the jurisdiction of the Historic District Commission. Councilmember Coyle recommended that the Mayor and Council proceed to designate the whole site as an historic district; Councilmember Hovsepian indicated her preference that the school building be centered on its own site, noting that placing the entire site in the historic district adds another layer of bureaucracy in moving forward with the use of the property. She emphasized that the site is historic only because of the school building; that there is a much wider interest in the building than just from the Lincoln Park community.

Councilmember Marrinan noted the concern of the Lincoln Park Citizens Association with placing the entire site in the historic district. Staff provided clarification that the Historic District Commission's authority would extend only to requiring a degree of compatibility with the historic nature of the site and that the designation does not place any restriction on the use of the property.

Councilmember Hovsepian noted that the school is not part of the Lincoln Park Plan but part of the Town Center Plan. She also noted the importance of providing a buffer between property used for industrial purposes and the site to be designated as historic. Councilmember Robbins favored the inclusion of the entire site to take advantage of an opportunity to have a compatible architectural historic district.

Upon motion of Councilmember Coyle, duly seconded, with Councilmember Hovsepian voting nay, staff was instructed to prepare Map Amendment Application M-56-89 for approval, as filed.

Re: Discussion and Instructions  
to Staff - Text Amendment

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Application T-99-89, Mayor and Council of Rockville, Applicant.

This text amendment provides for various amendments to the Sign Ordinance dealing with free standing signs, off-site signs, prohibited signs, temporary signs, and Sign Review Board authority. The amendments are based on recommendations by the Town Center Roundtable and the Sign Review Board.

This item was deferred pending a worksession to be held by the Mayor and Council with the Sign Review Board, the Town Center Roundtable Subcommittee and other interested parties.

Re: FYI/Correspondence

Councilmember Coyle referenced Montgomery County Emergency Bill 35-90, Fire Tax Districts, and requested clarification that this would not include a proposed change in the fire tax rate. The City Manager responded that it would not. Mayor Duncan emphasized that the entire city should be covered under one fire tax district. Staff will provide additional information as it is available.

Mayor Duncan referenced the letter from Miller, Miller & Canby stating that their client, McDonald's Corporation, no longer has an interest in the property for which they filed Text Amendment Application No. T-103-89. Since the letter indicates that the City should continue to pursue this text amendment, Mayor Duncan asked staff if they are proceeding. Staff responded in the affirmative.

Re: New Business

Councilmember Coyle stated that he had recently attended a Public Safety Policy Committee Meeting and noted a number of issues discussed: patrol officers' competition beginning in metropolitan Washington in September; National Police Week activities in May on the Mall; development of fire safety and emergency medical procedures with Metro;

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negotiation of a Mutual Aid Agreement for removing vehicles which break down on bridges.

With respect to Map Amendment Application M-56-89, Councilmember Hovsepian requested that the Board of Education be notified of the ramifications of their property being placed in the historic district. She also commented on the importance of ensuring that all parties to a particular issue are kept informed and included in decision-making.

Councilmember Marrinan noted that the cutting of boxwood trees at the Beall-Dawson House was an appropriate undertaking by the City but that the decision was not communicated to interested parties. Mayor Duncan stated that the Historic District Commission would be holding a meeting the following evening at 8:00 p.m. regarding this matter.

Mayor Duncan requested an analysis of the Rockville Pike traffic, commenting that it appears to him that the traffic has lessened since the opening of an additional lane on I-270.

Re: Executive session

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council convened in Executive Session at 9:04 p.m. to discuss personnel matters and consult with legal counsel.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 11:55 p.m., to convene again in Worksession at 7:00 p.m. on March 28, 1990, or at the call of the Mayor.